stands indicted, a well-known political opponent, whom Dr. Magruder seeks to convict by his testimony. You are the judges of his motives.

Now I plant myself on the evidence and here maintain that Dr. Magruder has stated that which is not true, but whether ignorantly, by mistake, or through corruption, I know not: he has stated that which is not true in half a dozen instances, as I have shown, and you cannot give him credit when he testifies to any other circumstances. If he is even mistaken, he is not to be believed: if he has corruptly made these-statements, then of course he is not to be believed. You have heard that with politicians "a blunder is worse than a crime;" but whether Dr. Magruder's blunders are crimes, I shall leave you gentlemen to determine.

Dr. Magruder further sail, he "did not order the polls to be opened." He said so expressly.

I asked him by what authority he ordered the polls to be opened, and he "smelt a rat." He is no fool gentlemen—do not believe that. Whether he is or is not, that which is sometimes put in contrast with a fool, I do not say—I leave it to your decision. He said, "I did not order the polls to be opened," and in this declaration he contradicts Goddard, Donn, and others, who testified that he did! I have no doubt that he ordered them to be opened, but when I asked him by what authority he did it,—he could not tell, and therefore he chose to decline being placed in the category of having given an illegal order! Here then is the seventh or eighth instance in which Dr. Magruder has erred, (that is a mild term,) made a mistake, or committed a blunder.

Now, can you believe him in anything he has said when he has testified in so many instances to that which is not true? I am sure you will rather believe my quondam friend, Donn, who sat down,—wrote his statement—put his name to it, and swore that Dr. Magruder devodered or demanded that the polls should be opened!" When Dr. Magruder however had be state what he did say!" But has a witness a right to state what he did say!" Bu

I know the good heart of my old friend Donn—we have had many a jolly time of it together in a good cause, and I know how to appreciate h sliberality in allowing Dr. Magruder thus to get out of this difficulty at his expense. Not so Captain Goddard. He said it and he stack to it?

The grand jury's report, published in the newspapers, states, that one hundred and twenty witnesses had been examined, and that some of these witnesses proved the fact, that Dr. Magruder didorder the polls to be opened! I do not ask the District Attorney to bring these one hundred and twenty witnesses to establish this fact (about the order to open the polls,) but still I would like to see one of those one hundred and twenty witnesses who can testify again t the four men, Hurdle, Jones, Garner and Hoover, who were indicted, (by the grand jury,) but against whom no testimony has been of fered, and whom the United States Attorney now asta this jury to acquit!!

asts this jury to acquit!!

1 ask how this body of men could indict these four defendants, and yet the United States Attorney can defendants, and yet the United States Attorney cannot ascertain upon what testimeny they were indicted! I wil I not say that this report (of the grand jury) was published and sent out for the purpose of making an impression all over the country, adverse to the American party. I will not say this—but I have a right to believe what I choose! It is also somewhat remarkable that a report similar to that of the grand jury should be made to the Board of Aldermen, and be sent broadcast over the country, stating many things as facts, which the United States Attorney cannot prove here! I therefore caution you against being led astray by the one-sided statements and reports in the papers, and espicially by those in one (the Intelligencer) which was once very conservative, but telligencer) which was once very conservative, but which has given two whole pages of matter, since this jury was sworn, containing statements as facts, which the United States Attorney has not proved, and

which (I affirm) he cannot prove!
DISTRICT ATTORNAY. Is that newspaper in

evidence?
The JUDGE. The gentleman must confine himself to facts in evide ce.
MR. ELLIS. I only desire, sir, to guard the jury

MR. ELLIS. I only desire, sir, to guard the jury against the influences of these publications.

Gentlemen, I am done with those "reports." They are not, it is true, in evidence before you, but justice demands that their errors should be exposed. I am done also with Dr. Magruder's errors, and I care not whether he has testified ignorantly or corruptly.

With regard to Captain Goddard, I can bring Dr. Magruder and some others to contradict him. Captain Goddard said that Dr. Magruder ordered the polits to be opened. Magruder says he did not. They flatly contradict each other. They cannot both have told the truth. Goddard says "he did," and Magruder says "he did not!"

told the truth. Goddard says "he did," and Magruder says "he did not!"

Now adopt the liberal principle of my old friend Donn, if you like, and let Dr. Magruder explain for himself! He says he did not order the polls opened! If that be so, then Captain Goddard is mistakes. He stands unimpeached as a moral man, but he has sworn that at the riot (as he terms it) there was so much confusion he believed the civil power could not quell it,—(yet he did not invoke the civil power,) he made oath to that effect,—but he is interested in continuous this view. This is all I have to say of him. this view. This is all I have to say of h here—he is the very man who ought to have arrested those pretended rioters—he is the man who could have done it, if he had chosen to do so, and had re-

sorted to the proper means.

I am sorry that I am obliged to have a little till here with my quondam friend Donn, about matters to which he testified, but in which he had not been

to which he testified, but in which he had not been sustained by other witnesses.

He tells you that "several persons pulled some men over the pen." [Justice Down shook his head.] I do not wish to misstate anything this witness said, and I have no time to look over my notes of the evidence, and Justice Down shakes his head. Well, then, I understand that he did not say so. I am glad he says he did not—it disposes of an important portion of the evidence of the United States. We had been told, as I thought, that men were pulled over the barricade by the hair of their heads, dragged out, awfully beaten and prevented from voting! I was going to show that, according to the testimony of the other witnesses, it could not be true. My quondam friend shakes his head, and I infer that he did not say so.

y so. and was unmercifully beaten—dragged into the mid-die of the street, and wounded in his head. Now, the other witnesses say that, as soon as this man was brought to the sidewilk, he was let go! Justice Donn says he was "carried into the middle of the street and there beaten," whilst all the others say, that he was somewhat besten whilst being taken from the barr orde and "let go" on the sidewalk Larrer he was somewhat beeten whilst being taken from the barr.cade, and "let go" on the sidewalk. Larner and Bowen (Americans!) interfered in his behalf, and be was allowed to go down the street. This was the man, doubtless, who had tried to vote on a dead man's papers! There is not a very material contradiction between these witnesses, and out of respect to my good natured, excellent, worthy old friend, Donn, I shall not insist that he made a very great mistake, but simply that he colored the matter a little! I therefore proceed to other portions of his testimony.

Mr. Loun saw, or heard (or both) a pistol fired fice time from the northeast corner, opposite the polls, which he took to be "a signal for a rush upon the voters!" Well, gentlemen, the story of the "hundred tears" should not be forgotten here. I am inclined to think my old friend was a little alarmed—

dred tears" should not be forgotten here. I am inclined to think my old friend was a little nlarmed—not that he lacks personal courage, but he was a little confused, and perhaps intimidated—and surely the firing of five pistols in quick succession, was enough both to alarm and confuse him. I am further inclined to believe he gave play to his imagination, for we have five credible witnesses who say they were in a position to observe and hear what was going on—they were cognizant of all the passing events there, and they did not hear those five "signal" shots, nor either of them from that quarter?

Instead of these five pistols being fired as a "signal" for an attack on the voters, the first pistol they heard was fired by the chief of the police, Baggott, in another direction, and the second was fired by the same person! Did Baggott fire "signals?" I will not press my friend too hard. I will let him off easily, and say that he was mistaken: that he did not see a "hundred bears," he only saw a "black stamp," which loomed up threateningly to his vision!

But he also swears to a deadly weapon (part toma-hawk and part sledge-hammer from his description,) which was called by others a cold-chisel, and which was put up on the fence near the barricade, and he says the man who hung it up made a threat that "no damned brishman should vote!" Now Mr. William Lord, who saw the man hang up this cold chisel, swears that the man said not one word!

Mr. Lord says that when the man had hung up that weapon he sat down on a stone or a step, and that he took it down in about five minutes—went off, and did not return! Now, gentlemen, if Mr. Donn, being a justice, and a special constable, saw a man hang up a deadly weapon, and with an oath, threaten that "no damned Irishman should vote," he violated his duty in not arresting him! Mr. Donn was both a justice and a special constable; he was bound to do his duty by every consideration of honor and interest; and that duty required of him to arrest that man—or if that were, from any cause impracticable, he should have turned to the Commissioners of Election and communicated that fact to them. He was but a single step from the Commissioners, and he should have insisted that not another vote should be polled until that terrible weapon was removed! Mr. Lord says that when the man had hung up

I infer, from the testimony, that the man who ex-

Infer, from-the testimony, that the shall whe staggering about, he hung it up, for four or five minutes, and then took it away, and that nobody thought anything more of the circumstance! But, gentlemen, if the thing did actually occur, as Justice Donn represents it, he was bound by his oath to have the man arrested instanter! What! See a man carry such a weapon as he described—a horrid weapon to fight with—see him stick it up in public view—hear him say that "no damned Irialman should vote"—and Justice Donn—police officer Donn not interfere—not arrest him—not go to the Judges of Election and inform them of the outrage!! Why this would be a remarkable thing! I cannot suppose that our quondam friend Donn is in his dotage, nor that he had taken any liquor on that day; we have no proof that any liquor was there, or claewhere, unless at the Chty Hall; and I must therefore—peat, that Justice Donn did not do his duty, in not arrest him, nor ask anybody else to arrest him! Why, he was assuredly false to his party on that occasion. He would not have done so three years ago—if he had, we would have turned him out of the American party! Yes, gentlemen, I must say it in his hearing—he was faithless to his party! What! allow his own political friends (whom he had invited to be there sarty) to be frightened away from the polls by tomahawks, and say not one word about it! There was not a man there on that day, I venture to assert, who would not have given his assistance to arrest such an offender, if requested so to do, by Justice Donn! He might have called upon the Commissioners, or anybody-else, and a dozen respectable men, or any other necessary number, could have been readily found to take that of-chisel man, and put him in the watch-house, or somewhere else, under the control of the civil authority! That Justice Donn saw that weapon hung up there I will not dispute. He saw it, but his imagination must have furnished the threat?

If that threat had been made, Justice Donn would have been false to his party turns out every

I do not believe Major Tyler would tell an untruthhe may err.

Well, Major Tyler says that Captain Maddox's company fired, because one of his men was shot in the cheek—he says, that he (Tyler) ran down the line, to ascertain war Maddox's company fired? My colleag se described that scene, and as I do not wish to pass over the same ground, I find some difficulty in selecting the points to discuss. However, Major Tyler says, that Maddox fired, "because one of his men was wounded in the cheek." Now, unfortunately for his accuracy of observation, it was not one of Maddox's men, but one of his own—for the wounded man was brought here as a witness, and you saw the mark on his cheek, and he said, himself, he was wounded in the charging party near the swine!

This, it may be said, does not amount to much—but, gentlemen, I think it amounts to a great deal; it amounts to a mistake—and when a witness commits such a mistake, you are bound to admit that he may have committed errors on other points—not errors of intention, but errors of fact. The wounded man says he was not in Maddox's company, but, in Tyler's.

DISTRICT ATTORNEY. But he said, that after

DISTRICT ATTORNEY. But he said, that after

man says he was not in Maddox's company, but, in Tyler's.

DISTRICT ATTORNEY. But he said, that after being wounded, he retired to the rear.

Mr. ELLIS. Certainly; but it shows that Major Tyle was mistaken; that he, being a mortal man is fallible; honorable and high minded as he is—that like the rest of us, he is but flesh and blood!

He was mistaken as te the fact; it was not one of Maddox's men, but one of his own men that was wounded, and hence, the reason why Maddox fired, ceases to exist—it was an error.

But, again he says that he was threatened by a committee from the alleged rioters, that he (Tyler) would be fired upon by the swivel, if he did not take away the Marines. Now, I can very easily understand how that error was committed. Major Tyler was under some excitement when that man went to him, and said (substantially) "I come from peaceable people, and I recommend that you take away the Marines, or they will be fired upon."

The man did not go with any hostile intention, or with any threatening purpose, but simply to state that he believed the Marines would be fired upon if they did not retire. So said the man who went to Major Tyler, and it is therefore plain that Major Tyler must have mistaken his purpose.

But, again, Major Tyler says that General Henderson aid not whisper to hum and say, "Now is the time to take the cannon," as General Henderson has testified that he did. I can understand how that might have occurred and Major Tyler not have heard it. But the Major says "it was impossible that General Henderson could have whispered to him." Now, gentlemen, you are obliged to believe that this venerable old warrior, General Henderson, was egregiously mistaken, or that Major Tyler was mistaken! Which of these witnesses is the most likely to be mistaken on this point? I say Major Tyler is, for I think, under all the circumstances of the case, General Henderson was the most likely to remember whether or not he whispered to Major Tyler. The testimony of Major Tyler is not, therefore, reliable, because

remetaber whether or not he whispered to Major Tyler. The testimony of Major Tyler is not, therefore, reliable, because of his liability to error; it is no imputation upon his veracity.

But, again, Major Tyler says he did not hear any order given by the Mayor to take the cunnon. The Mayor says he did give such order! Now you cannot believe them both, though you may discredit both, as they have both committed errors in their testimony.

Thus I have shown that several errors were committed by Major Tyler on points of fact. I do not mean to say, nor to intimate, that his testimony is false, but I say you cannot rely upon the correctness of his memory and observation.

I have now disposed of the testimony of Messrs. Goddard, Magruder, Donn, and Tyler—all the important witnesses for the United States.

Officer Birkhead comes next. On his testimony depends the fate of young Spencer, provided there was a riot. This is the only witness who says that Spencer had anything to do with the disturbances; and if I can show you that he was so frightened and confused, he did not correctly state the facts as to Spencer, you will not find it difficult to dispose of his whole testimony.

I am not attempting to make out a case of false securing against any of these witnesses—this I desire to have d stinctly understood. I have simply shown, and propose in the sequel to show, that they have blund red, erred, made mistakes, and are, therefore, unreliable.

Now, as to Birkhead, what says he? He says he was "passing down Seventh street, and as he was near All ston's corner, the Marines being on the north and opposite that corner, he saw Hillery come out into the street, and fire a pistol—that eight or ten persons were together, amongst whom was Charles Spencer, who threw a stone—and that a remark was made by Hillery that the Marines were firing blank cartridges to frighten them." This is the purport and effect of his testimony.

Now, we have brought you nine or ten witnesses, all of whom have told you, they were an and about Allston's

anybody at Allston's corner! That this Marine is not to be credited, I unqualifiedly say—I do not say he meant to swear falsely, but every witness who stood at Allston's corner (some nine or ten) say that they could distinct'y see the Marines!

This Marine could not see, for the smoke, (which nobody else saw) and hence I designate h'm the "smoky witness." Well, he says he was hit by a stone—Birkhead says that Spencer three a stone—and hence Birkhead is sustained!

Well, now, if this Marine could not see, by reason of the smoke, how could litrikhead see? It would be remarkable if Birkhead could see through this smoke when this "smoky witness" could not!

DISTRICT ATTORNEY. One was on one side of the smoke, and the other was on the other side of it.

Mr. ELLIS. If Birkhead was on the same side the Marine was on, he could not see any more than

Mr. ELLIS. If Birkhead was on the same side the Marine was on, he could not see any more than the Marine—if he was on the same side with our witnesses at Allston's corner, then Birkhead could not have seen Spencer throw a stone, unless our witnesses had also seen it.

Birkhead swore he was near Allston's corner—eaw Hillery fire, and saw Spencer throw a stone; nine or ten witnesses contradict him—and it is utterly impossible that this "smoky witness," standing in the ranks, across the street, with volumes of smoke intervening, can prove anything to sustain Birkhead. In fact, Birkhead does not attempt to say that Spencer hit one of the Marines—nor does that Marine who was hit attempt to say where the stone came from.

Of Owens and Frere I have but little to say. One of them was a member of the Auxiliary Guard. One of them had three pistols, fired them, and ran of! Neither of those two witnesses swore to any material fact, and their testimony amounts to nothing worthy of present comment.

Ridgeway and Pyles are both members of the Auxiliary Guard. They testified to no important facts, and I shall pass them over till I come to some point in examining the separate cases of the defendants to which their testimony applies.

Of Mr. Carlisle, city attorney, and a gentleman of hara cter, I shall say nothing. He has testified to nothing which affects our defence. He saw nothing that was done at Allston's corner. He was near the swivel, I have no comment to make on his testimony.

that was done at Allston's corner. He was near the swivel, I have no comment to make on his testimony.

I have thus endeavored to show you, gentlemen, from the positions which the witnesses on behalf of the United States occupy, and from the errors and blunders which they have committed, that the testimony they have given is not of that reliable character which should influence your verdict. I have not sought to make the impression—I have disclaimed all intenion to make an impression that they have sworn corruptly before this jury. I leave you to draw your own inferences on that point. I have exercised my right independently and fear-lessly, as I shall always do, to show, from the positions the United States witnesses occupy, that they are interested, and from their contradictions and errors, that they are not reliable.

In refer nce to the testimony given on behalf of the defence, I am not aware that a single witness has been called, who is in such a position as that, in which we find the witnesses i r the prosecution. We have called witnesses in behalf of the defendants to prove various facts, to which I will call your attention in detail by and by. We ave called the three Commissioners, and numerous others, whose names I will repeat. They are Messrs. Boss, Iddins, and Israel (C. mmissioners of the Election in the First precinct of the Fourth Ward,) and Messrs. Lowery, Nokes, Alexander, Aldrich, Lord, Larner, Davis, Randolph, Halieck, Merrill, Everett, William Doug lass, Samuel E. Douglass, Garrettson, Edmandston, Wallach, Dr. Blood, Dr. Clayton, White, Bowen, Lenco, Sotheron, Fenton, Riley, Kettleman, Longdon, Lyle, Baird, Ritchie, Hadiey, and perhaps one or two others, all intelligent, respectable, and disinterested witnesses, and most of wnom are known to this jury.

or two others, all intelligent, respectable, and disinterested witnesses, and most of whom are known to this jury.

Tuey are all, so far as I know, or can learn, unexceptionable and reliable witnesses—men who are in no respect interested in the result of this trial. No responsibility rested upon any of them (unless upon the Commissioners of Election) that would mix up either one of them with the transactions of that day. Here are more than the trial would mix up either one of them with the transactions of that day. Here are more than the trity witnesses, whose testimony I may be allowed to say to you here, is uncontradicted and unimpeached, and by whom we have expressly disproved all the important allegations nucle on the part of the prosecution. I pass this general point of the case over without further remark, as I have hitherto shown you, that almost all the United States witnesses are interested, not directly, but indirectly in the result of this trial—that they have contradicted each ther, and have been contradicted by our winnesses, thirly in number—and that none of our witnesses, and the defence; a dozen interested witnesses on one side, and nearly three times that number of aisinterested witnesses on the other?

New resultemen I shall make a few enquiries on

I ask you, gentlemen, here, whether you have not understood from the tenor of the testimony adduced by the United States, and from what you have seen and read in certain official reports, published in the newspapers, that one of the main points of assant upon the defendants and their friends, is, that the late election at the First precinct of the Fourth Ward, was violently interrupted, and continued to be interrupted from the one to the other of the main affrays of that day?

Have you not been told, and have you not read the statements, that, by reason of those continued interruptious (as thus alleged) the voters were deprived of the opportunity to vote? Has it not been charged, among the other allegations against these defendants and others, that they interrupted the polls, during the whole day, at that precinet? That charge has been made, and reiterated in every form. And it may seem rather strange to you now to be told, what is nevertheless true, that, from the first to the second actual interruption, to wit: from about 10 A. M. to 1 P. M.—it will be proved by the pold book—there were more votes cast per hour or minute, whilst the pretended interruptions are alleged to have continued, than were cast during the morning, (from the opening of the polls to the first disturbance) when it is admitted by the witnesses for the prosecution, that perfect quiet and order precailed?

I fix the time, according to the proofs, from ten to one, or a space of three hours, and I will demonstrate to you that during these three hours there were more votes taken, in proportion to the time, than were taken during the first two hours and a quarter, (from 7 to a quarter past 9) when there was no interruption at all, and when Mr. Justice Donn tells you "the voting was going on as usual," and when he "congratulated his friends that the voting was being conducted so very peaceably and quiety!" Now, gentlemen, during these first two hours and a quarter, one hundred and thirty-six votes were polled.

You remember the testimony was, tha

ducted so very peaceably and quietty!" Now, gentlemen, during these first two hsurs and a quarter, one hundred and thirty-six votes were polled.

You remember the testimony was, that Mr. Emery's vote was the last vote taken in the morning, before the first interruption. His vote was the one hundred and thirty-sixth vote that was cast, as was sworn to, and as the poll-book shows. There may be an error of one or two votes resulting from the erasure of one or two names, as shown and explained by one of the Commissioners. Well, then, one hundred and thirty-six votes were polled in one hundred and uninterrupted voting from about seven o'clock to a quarter past nine—one vots for every minute, when there was no interruption!

Then came the first sffray. The polls were then closed temporarily, and reopened at about ten of clock,—were open three hours, and closed again at about one o'clock on the arrival of the Marines.

Goddard's vote was the last vote taken before the last interruption, and his was the three hundred and seventy-ninth vote polled. Deduct one hundred and seventy-ninth vote polled. Polled to the hundred and seventy-ninth vote polled. Polled to the hundred and seventy-ninth vote polled. The polls were polled between the two actual affrays, during a space of three hours when we have been told by the prosecution and by the official reports published in the newspapers, that the voting was continually interrupted!!

Now, gentlemen, let us ascertain at what rate per hour those two hundred and forty-three votes were polled during these turbulent times?

In three hours there are ten thousand and eight hundred seconds! Here then stands out in bold relief, the undeniable and remarkable fact, that, not-withstanding these alleg

These facts are proved, not only by testimony, but by figures which do not and cannot like? You, gentlemen, can make these calculations, based upon the testimony and on the poll books, as well as I can, and you will find the results as I have given them. Now, then, what become of the allegations of the Mayor and of the other witnesses for the prosecution, that the voting was "internuted," and that there was a "continued violing?" There may have been a man or two whose papers were not in proper was a "continued violing?" There may have been a man or two whose papers were not in proper was a "continued violing." There was a nothing uncommon in all that, but what serious interruption to the voting could there have been, in view of these facts and figures? *None-it is impossible.

Perhaps, gentlemen, I have no right to state, for it is not in proof, but still, in passing along, I may say, that last year, at the polling place of the same first precinct, six hundred and seventy votes were taken in ten hours and a balf, or one retaken in ten hours and a balf, or one retaken in ten hours and a balf, or one retaken in ten hours and a balf, or one retaken in the votes were being taken at the rate of one vote for forty-four seconds! These facts must make an impression upon your minds, and upon the country.

But there is another fact in this connexion. You have been told that these "continued interruptions," alleged by the prosecution, were for the benefit of the "American" party; that the fight was all on one side; and that the Americans only were allowed to vote. Now, gentlemen, this year, the vote for the "American andidate" for alderman at that precinct was 295; whereas, at the Mayor's election last year, Mr. Hill, the "American candidate," received 366 votes—or 65 votes more last year, at that precinct was 295; whereas, at the year, at that precinct was 295; whereas, at they were a lawlesses of the service of the s

the other!

Now, gentlemen, I shall make a few enquiries on some points made here, and I shall then close my argument as briefly as possible, without going over the ground which has been so fully occupied by my colleagues who have preceded me.

I ask you, gentlemen, here, whether you have not I ask you, gentlemen, here, whether you have not said they had a consultation, the result of which was, that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that they determined to close the polls if the Marines that the polls in the Marine that they determined to close the polls if the Marines should come. Iddins said that he concurred in that, but that he had other reasons.

Mr. BRADLEY. One reason was, that they did not think it safe to remain in the presence of the Ma-

rines.

Mr. ELLIS. The fact that the Marines were there, ander the control of the Mayor, was enough to make them fear for their own safety, and the safety of

he ballot box.
The JUDGE. Iddins testified that one of the Con The JUDGE. Iddins testified that one of the Commissioners suggested, that it would be improper to hold the polls in the presence of the Marines, and they told Squire Donn to tell the Mayor they would not be opened as long as the Marines remained.

Mr. BRADLEY. The part to which I refer is in a different portion of the testimony. In cross-examination Mr. Iddins was asked for his reasons, and he said he did not think it proper, nor did he think it safe, for he did not know what the Marines might do.

do.

The DISTRICT ATTORNEY. I admit that he said he had another reason, but the action of the Commissioners was based solely on the ground that the Marines were present. I asked the other Commissioners if they had any other reason, and they said no. Mr. BRADLEY. The discrepancy in the evidence

missioners if they had any other reason, and they said no.

Mr. BRADLEY. The discrepancy in the evidence the jury must settle.

Mr. ELLIS. I was simply going to add on that point, gentlemen, when interrupted, that the court has said that if they adjourned, and closed the polls for no other reason, however, did exist. They influenced Mr. Iddins. How far they influenced the other Commissioners does not appear. They influenced Mr. Iddins. How far they influenced the other Commissioners does not appear. They influenced Mr. Iddins, and they must have influenced the other Commissioners—they knew of the report in the morning that "the Americans would have to vote through a file of the Marines," and this naturally led the Commissioners to conclude that their position would be unsafe, for, every man knows, that if the military were to come up to the polls, and one political party were only to be allowed to vote through files of the military would control the voters—the Commissioners, and the ballot box!

It would be unsafe, therfore, for the Commissioners to remain at their posts, thus surrounded by bayonets, unless indeed, they should ensure their safety by a tame surrender to military dictation.

Desirous to pass on as rapidly as possible, I will now proceed to examine some of the cases of individuals, on trial before you and the testimony applicable to each, but before doing this, I must read to you a portion of the instructions of the court as follows, to wit:

"And lastly, if you believe from the evidence, that the defendants, or any of them, with or without the conjuction of others but humbering at least three persons, did in a violent and turbulent minner to the terror of the people with a determination mutually to assist one another, against any who should oppose them, act together, according to previous concert and arrangement, remote or immediate, for the purpose of thwaring the efforts of the Mayor to have the polls opened, or to prevent those efforts from succeeding, or for the purpose of opposing his exerti

In three hours there are ten thousand and eight hundred seconds, and if we divide that number, by the number of votes polled (two hundred and forty-three,) we find that one vote was polled for every forty-four seconds! Here then stands out in bold relief, the undeniable and remarkable fact, that, not withstanding these alleged interruptions—when men were being "dragged" from the polls—when "tomahawks" were set up to frighten away the voters—the when all was confision and uproar—(as the prosecution alleges)—there was one vote cast for every forty-four seconds, whilst in the "peaceable and quiet" morning, but one vote was cost for every sixty seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

Is not this a remarkable demonstration! Oun any seconds!

And now, if with this principle of law in view, was guilty of a riot.

And now, if with this principle of law in view, you will go with me, whilst I examine the testimony applicable to the individual cases, I think you will be satisfied that there is not a particle of evidence to show that any of them were guilty of a riot.

As to the two Stewarts. Captain Goddard says they were present at the time of the first distur-

laborate best before the proof of hereaft of the passes.

Rildywe are bloomed then are with its "briefs!" What does the proof "In the christiant of "whe his proof as the insention of those whe had a "spirit by the there for the propers awared." What is the proof as to he insention of those whe had a "spirit by the tree for the propose awared. What is the proof as to the insention of those whe had a "spirit by the tree for the propose awared." What is the proof as to the friend when the history proper and the history and the propose awared to define the passes while the history proper and the proof as to the friend when the had a make, the state of the history and the proof as to the friend when the passes while the passes while the history and the proof as to the Third Ward. What had a make, and the state of the history and the passes while the p

he del? That was then an assault and battery, and if the were on trail for that offence, and row believed assault and battery, but not of a ried?

Where, then, is the proof to show that the Johnson of an assault and battery, but not of a ried?

Where, then, is the proof to show that the Johnson committed a ried? There is none. Gentlemen, the state of the defendance committed a ried? Pattern or man nor two can commit a ried by themselves. These there were muttal algha. I know not, and care an inch how many such distributions were created on the this trial is concerned. You at there, or your call, how the state of the state